

don. He said that the district attorney had been unable to prove his case. Regarding the 555 shares, the defense had the testimony of the two Haddens and the two Hollands that it was in the bank and owned by the bank. He argued that the master of the overdrafts, if Bacon had reported them wrongly, with intent to defraud, he ought to be on trial for perjury, for any man would have known that the bank examiner would have been able to discover such a discrepancy. He related the testimony which tended to prove that overdrafts were made, and that the placing of them in the schedule of assets and discounts was consequently an error in judgment, if it were an error at all.

Regarding the discrepancy in the number of liabilities, Mr. Booth said that these had been reported as being greater than the government's bookkeeping showed, and on that there could consequently be no conviction.

COLONEL ELLIS.
Colonel Ellis then made his argument, which occupied the remaining half of the day. He opened with the statement that the defense charged must be proved beyond a reasonable doubt, and that the defendant was entitled to the presumption of innocence, unless the government proved that there were frauds intended to mislead.

Colonel Ellis considered that Maginnis' "ignominious plea regarding orphans" who were relatives of his, was a better compliment to his heart than to his judgment, as the bank had long since paid off its debts. The armor of the defense had not been pierced by a single shaft of the district attorney's attack. The evidence of the defense was that the bank was a possession of 300 shares of stock, and as it held 250 more as collateral on a note, there could be no reasonable doubt that it owned the entire 555 shares claimed. Mr. Ellis referred sarcastically to the attempt of the prosecution to convict the defendant on the ground that there were either too many shares, or not enough. When the testimony of his own witnesses did not suit him, the attorney for the prosecution, "with brow of Hercules and frown of Mars," threatened to call for more.

Mr. Ellis argued that, as the report had been signed by all the directors, the responsibility for misrepresentation was very widely distributed. "Not a scientific man," he said, "has been brought out by the prosecution to support their bolstered-up claims. I have never before seen the government fall so utterly and absolutely to prove a simple case."

In a brief reference to the overdrafts, Colonel Ellis said these were absolutely right, and that no intent to deceive was apparent. An O. D. note was properly chargeable against the bank's assets, and it would be impossible to prove any willful attempt to defraud anyone.

MAGINNIS CLOSING.
Attorney Maginnis, in his closing argument, said Mr. Ellis had drawn a beautiful picture, but there was still a grinning skeleton to confront. He went into general remarks on inaccuracies, and referred scathingly to the impeachable testimony upon which the defense were depending.

THE CHARGE.
Judge Marshall's charge to the jury was brief and impartial. He said the defendant was charged with a serious crime, but must be presumed to be innocent until proven beyond a reasonable doubt to be guilty. "You are to decide this case," he said to the jury, "on the strong probabilities it presents, and these must be so strong as to exclude all reasonable doubt."

The court referred to the case with which Congress had sought to make national banks absolutely safe, and a report intended to mislead the jury was a serious affair. It would be necessary for the testimony to show that the entries were false, and that if so, that they were knowingly made, before the conviction could be sustained. He instructed the jury that they should rely on the preponderance of evidence in deciding this. Counts one, two, five and seven were read.

Colonel Ellis took some exceptions to the charge, whereupon the jury withdrew and court adjourned.

WARLIKE TALK FROM MEXICO

ALLEGED SEIZURE OF CLIPPERTON ISLAND.

Mexican War Department Urged to Send an Expedition to Ascertain Truth of British Occupation.

City of Mexico, Dec. 16.—Some time ago when it was rumored that a British warship had seized Clipperton Island, local papers took the matter up, and there was some agitation over the reported forcible occupation of Mexican soil. The foreign relations department asked the war department to send an expedition to the island to investigate if the British had really taken possession. The foreign relations department, however, declined to do so, and the matter was dropped. The foreign relations department, however, declined to do so, and the matter was dropped.

Should it prove true that the island, which Mexico claims as belonging to her, has been seized by the British, the matter will be taken up diplomatically for the purpose of recovering the territory. Mexico will formally request the restoration of the island. No one here expects any serious difficulty over the matter, and there is as yet no definite official information in possession of the report regarding the alleged seizure of Clipperton.

At the foreign relations department today it was said that the object of the expedition was not warlike, but merely to ascertain the true condition of affairs. The same thing was said at the war department. There is no disposition over the matter. The newspapers, however, are likely to make much of the seizure if it turns out to be a fact, for there is a sentiment among Mexicans that England unjustly acquired Belize from British Honduras from this country.

The Mexican Herald, editorially, says: "European nations are looking forward to the time when the weak states of the great republic, champion of the Monroe doctrine, they may proceed under one pretext or another to carve up South and Central America. If the American people shall themselves be beguiled into unpreparedness for war they will assuredly be caught all unready by the vigilant Europeans and their sea power destroyed, whereupon Latin-America will be played as a fox does a hen. The same paper remarks that Diaz's doctrine, which contemplates the eventual freeing of the New world from every trace of European control, is much harder than the Monroe doctrine, and will be the principle of action in the 20th century."

THE "JUCKLINS."

Initial Performance at Denver Well Received.

Denver, Colo., Dec. 16.—Augustus Thomas' new play, "The Jucklins," received its initial performance tonight at the Tabor theatre. Its reception was pleasing in every way, and Stuart Robinson, for whom the play was written, had in the part of Jim Jucklin, a character which will outrank his famous play, "The Jucklins," which was founded on a novel by C. R. M. Thomas. The play is a comedy, and is full of humor and pathos. Mr. Robinson and his company were recipients of tumultuous applause.

DEMOCRATIC POLICY

No Aggressive Action Will Avail In Carrying It Out.

THE RULES OF CONGRESS

INTERPOSE A BARRIER TO THE SPIRIT OF MINORITY.

The Recent Caucus Action Will Be Allowed to Stand as Showing the Policy of Democratic Congressmen—Hopeful of Giving Expression on Financial Matters.

Washington, Dec. 16.—Leading Democratic members of the house of representatives say no aggressive action is anticipated to carry out the decisions of the recent Democratic caucus on Cuba, finance and bankruptcy. The caucus action will be allowed to stand, as showing the policy of the minority.

Representative Livingston of Georgia has suggested that a resolution be presented asking the foreign committee to report the Cuban question at once. But this procedure would be ineffective, as the resolution directing an immediate report would be referred to the committee on rules. It is not doubted that this body, representing the majority, would not act favorably on a motion of this character. All parliamentarians on the subject decide that it would be impossible for the minority to force an issue on Cuba. They are more hopeful of having extension to the caucus action on finance.

The majority will doubtless bring forward financial measures on the lines suggested by the president and Secretary Carey, and the Democratic caucus policy will be given effect by the casting of the solid Democratic vote, numbering 125, against these measures. On the bankruptcy question, it is expected that the minority will frame a bankruptcy bill calculated to meet the caucus declaration for a "wise and just" measure of this character. The bill will be offered as a substitute to the one agreed by the committee on judiciary, after the holidays.

INTERSTATE COMMERCE.

Work of the Commission, Including Several Suggestions.

Washington, Dec. 16.—The eleventh annual report of the interstate commerce commission issued today is a lengthy document which touches the work of the commission in various directions. Speaking of the powers of the commission the report says that a suit to recover excess over reasonable rates is not an adequate or equitable remedy, and that the commission has no real power as to fixing rates.

"Prevention by fixing and establishing rates in advance is the only practical legal remedy for extortionate and unjust rates," the report says. "The commission has no power to prevent the commission from the courts from misinterpreting its meaning."

The report discusses the supreme court decision denying power to the commission to prescribe maximum rates, and goes on to show why the commission has no real power as to fixing rates.

"Application of the remedy provided by congress produces under the supreme court," it says, "not uniformity of rates, but the direct confusion and grossly defective regulation."

The right of the commission to prescribe rates in the future is urged. If the commission is given power to fix a rate how are these orders to be enforced? The report says that the attitude of the courts toward such orders is such that the commission considers the law as laid down by the supreme court in the cases of the Minnesota & Texas railroad companies, and the California where the federal court has held the statute unconstitutional. The report discusses the point at length.

"The commission has no power to prevent the commission from the courts from misinterpreting its meaning," the report says. "The commission has no power to prevent the commission from the courts from misinterpreting its meaning."

By legalizing pooling the public loss the only protection it now has against the pooling of rates is the transportation agencies. Still, in view of the whole situation a majority of the commission would be inclined to recommend that the expedient be tried in advance, but this recommendation must be taken only with the limitations stated. The great necessity for uniformity in freight classification is urged, and several amendments to the additional legislation are pointed out as a necessity.

FOR KLONDIKE RELIEF.

Secretary Alger Explains His Plans to Senate Committee.

Washington, Dec. 16.—Secretary Alger appeared before the senate committee on military affairs to explain the necessity of speedy action looking toward the relief of the miners in the Klondike region. He was able to convince the committee of the importance of the situation, and the committee reported it later to the senate and it was passed.

The secretary, in anticipation of immediate action by congress, has begun to prepare plans for carrying out the intent of the bill. To this end, this afternoon he sent a telegram to the commanding general of the department of Columbia at Vancouver barracks, asking him to send two competent officers of the army to Dyea and vicinity to reconnoitre and report to the department how supplies can best be gotten across the passes to Dawson.

They are to report specially whether cattle can be driven on foot across the passes, and if so, which is the easiest pass to cross, and if not possible to get them all the way through, whether they can be driven part of the way and their carcasses cut up and carried the remainder.

use in transporting supplies. It is estimated that while a reindeer can be bought in Lapland for about \$7, the animal will cost about \$80 delivered at Dyea, owing to the heavy charges for freight over the long trip from Lapland via New York to Alaska.

HAWAII TREATY HOPEFUL.

All Republicans Except Pettigrew Will Support It.

Chicago, Dec. 16.—A special to the Record from Washington says: "The House has passed a detailed change in the situation of the Hawaiian treaty within the last few days, and the members of the committee on foreign relations are quite confident of its ratification."

Senator Morrill of Vermont has also been a skeptic on the Hawaiian question, but he is now counted against ratification; but, like Mr. Hoar, he is counting around all right. This leaves Mr. Pettigrew as the only Republican senator opposed to annexation.

Senator Morgan and Money have commenced active operations on the Democratic side and are making a thorough canvass in behalf of ratification. The action of the Democratic members of the house in caucus in leaving the Hawaiian question for each man to vote according to his own judgment, takes it out of the list of political issues and makes it a matter for the consideration of the man to secure votes. Although the fate of the treaty has seemed doubtful ever since the assembling of congress, the action is now more hopeful than it ever has been.

POPULIST CAUCUS.
Favor Partisanship and Hence Opposed to Civil Service.

Washington, Dec. 16.—A caucus of the Populist members of the house of representatives was held at the National hotel. Resolutions were adopted unanimously, except the one referring to civil service. They declare that the latter must be modified so as to enable any party that may be in power to fill the different positions in the civil service with party men.

The other resolutions favor independence of Cuba, and oppose any scheme to enlarge the banking power. An equal and voluntary bankruptcy bill is also favored.

Japan and Hawaii.

San Francisco, Dec. 16.—Instructions with reference to the indemnity claimed by Japan from the Hawaiian government by the City of Peking, on Nov. 20.

The Jiji Shimpu writes that the Hawaiian government wishes to expedite a settlement of its dispute with Japan by the arbitration of the Hague court. She is, however, apparently unwilling to retract her former proposal of arbitration, but should the Japanese government demand the reduction of arbitration to the arbitration of the Hague court, she will, no doubt, be prepared to accede.

Senate Confirmations.

Washington, Dec. 16.—The senate today confirmed the following nominations: Charles G. Dawes of Illinois, to be comptroller of the currency; John B. Nesbitt of Pennsylvania, to be pension agent at St. Louis.

The senate also confirmed a large number of promotions in the army, the most important being the following: Colonel Samuel Brock, assistant adjutant general, to be assistant adjutant general with rank of major; Captain Henry Oshelien Helstam, Eleventh infantry, to be an assistant adjutant general with rank of major; Colonel William H. Bell, assistant commissary general of subsistence, to be commissary general of subsistence, with rank of brigadier general.

MURDERED AN ACTOR.

William Terriss Falls By the Hand of an Assassin.

London, Dec. 16.—William Terriss, the well known actor, was assassinated, being stabbed with a knife as he was entering the stage door of the Adelphi theatre tonight. The assassin was a man named John William Lewis, who was charged with the murder of the actor.

Mr. Terriss has been playing in London in the English version of William Mallett's drama, "Secret Service."

"Terriss' assassin is supposed to be the former superior. The murderer rushed at the actor as he was stepping across the pavement from his cab, and stabbed him just below the heart. The wounded man was carried into the theatre and doctors were called from the Charing Cross hospital, but Terriss expired in 15 minutes.

The assassin had the appearance of a foreigner, and wore a long cloak. Terriss fell shouting, 'My God! He's stabbed me! Don't let him escape!'

The assassin withdrew the dagger and made a second plunge at his victim, but he was seized by the spectators, of whom there is always a crowd about the stage door, to witness the arrival of the actors.

JOHN MORGAN HANGED.

His Crime the Most Remarkable in West Virginia.

Ripley, W. Va., Dec. 16.—John Morgan was hanged here this afternoon. He spent the forenoon crying, but rallied so as to go on the scaffold with composure.

The crime for which Morgan was hanged was one of the most remarkable in the history of this state. Mrs. Morgan, a widow, had two daughters, aged 70 years, her two daughters, aged 20, lived a short time ago. Morgan, an intimate friend was John Morgan, whom Mrs. Green had taken in as an orphan boy and given a home. He remained with them a dozen years, but about three years ago married and lived apart from his former home. He was on friendly terms with them, however, and Nov. 4 called at the house and asked Matilda Pfozt to cut his hair. She invited him to remain until morning, when she would cut his hair. The household were up about 4 o'clock the next morning and the young women set about to prepare breakfast, while Mrs. Green was arranging her room. Green went out to feed the stock, accompanied by Morgan, who soon returned to the house alone, saying Green had gone to set his traps. A short time after Morgan suddenly picked up a stick and struck Matilda on the head. She ran out to the porch, while Morgan turned upon Alice Pfozt and felled her with the hatchet.

IT WAS A GOLD ROAST

Fight Between Connelly and Hawkins Last Night.

CONNELLY KNOCKED OUT A QUIETUS ON PROTESTS

DONE UP IN THE FOURTEEN TH ROUND.

Knickerbocker Club, of San Francisco, Where the Mill Came Off, Composed of Ward Politicians and Race Track Followers, and a Fake Was Expected.

San Francisco, Dec. 16.—Like other pugilistic shows promoted by the Knickerbocker club, composed of ward politicians and race track followers, tonight's much-advertised contest between Eddie Connelly of New Brunswick and Dal Hawkins of this city was, what in popular parlance would be termed a "cold roast." For several days rumors have been going the rounds to the effect that the fight would be a "fake" contest, that one of the principals, just which one it was not stated, would lie down to his opponent, thus allowing the club or its friends who were on the inside to recoup themselves for the lack of patronage by betting on a sure thing.

PRELIMINARIES.

The preliminary from Tom Lansing and Joe King was delayed for some time, owing to the fact that King attempted to make a "brush" at the door, and force in a dozen or more of his friends without the admission fee. The noodums were stopped by the police, however, and King was arrested and taken across the street to the police station, where he was quickly bailed out by the club officers, and finally got into the ring. The fight between the two principals was a real one, and King, with a right-hand smash on the jaw, he was unconscious for ten minutes, and was finally carried from the ring to the dressing room, where he came around in the course of a few minutes.

At 9 o'clock there were not more than 200 people on the main floor and about the same number in the galleries. It was the poorest crowd that ever attended a prize fight between well-known performers in San Francisco. The lack of patronage was due in a great measure to the fact that the club on the part of the public in the organization known as the "Knickerbocker club."

THE BIG CONTEST.

The Hawkins-Connelly contest opened up at a fast clip, with Connelly on the aggressive. In the second round Hawkins was knocked out, and Connelly had a very bad eye from Dal's left hook. From this point up to the seventh, honors were easy. Both men seemed willing to mix it, and the fighting usually ended in Hawkins' favor.

HAWKINS GROGGY.

At the end of the seventh Hawkins was again groggy from a right-hand smash on the jaw. Hawkins came up strong for the eighth, however, and went after his opponent with effect on the ear, but he was unable to put it on the jaw. In the tenth Connelly received a vicious swing on the temple which left a gash from which the blood came freely.

CONNELLY WENT DOWN.

The eleventh and twelfth were Hawkins' rounds. In the thirteenth Connelly rallied and forced Hawkins about the ring in a desperate attempt to end the fight, but the round ended with a hard left on Connelly's face, which sent him sprawling on the canvas. In the fourteenth round, Connelly rushed and was met by a stiff left. In a hot rally, Hawkins sent in a smash on the right jaw, and Connelly went down and out.

SAILED FOR CHINA.

Ovation Prince Henry and the Emperor at Kiel.

Kiel, Dec. 16.—The German cruisers Goeben and Deutschland sailed for Chinese waters this morning. The harbor presented a most animated picture. The shores were thronged with people, and a number of naval officers occupied the Barbarossa bridge. Prince Henry entered in the English version of William Mallett's drama, "Secret Service."

Emperor William, in an admiral's uniform, appeared alone at the castle gate, saluted the officers and boarded the launch as the actor was stepped across the pavement from his cab, and stabbed him just below the heart. The wounded man was carried into the theatre and doctors were called from the Charing Cross hospital, but Terriss expired in 15 minutes.

The assassin had the appearance of a foreigner, and wore a long cloak. Terriss fell shouting, 'My God! He's stabbed me! Don't let him escape!'

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BELOW ZERO AT DENVER.

Denver, Colo., Dec. 16.—The temperature at Denver at 8 a. m. today, as recorded by the weather bureau, was 8 degrees below zero, a drop of 32 degrees since yesterday. At Pueblo, Colo., at the same hour, it was 7 below; at Cheyenne, Wyo., 6 below, and at Helena, Mont., 14 below. Warmer weather is predicted for tomorrow.

G. A. R. Encampment.

Cincinnati, O., Dec. 16.—The executive committee of administration of the G. A. R. today decided to hold the national encampment Sept. 5 to 9.

TELEGRAPHIC BRIEFS.

At New York the betting on tonight's fight is 10 to 9 in favor of McCoy.

STANDS BY M'KENNA

President Sent In His Name As Judge of Supreme Court.

CONNELLY KNOCKED OUT A QUIETUS ON PROTESTS

DONE UP IN THE FOURTEEN TH ROUND.

Knickerbocker Club, of San Francisco, Where the Mill Came Off, Composed of Ward Politicians and Race Track Followers, and a Fake Was Expected.

Chicago, Dec. 16.—The News' Washington special says: President McKinley decided today to put a quietus on the protests that are formulating on the Pacific coast against Attorney General McKenna, of California, as a judge of the supreme court and concluded to send in his nomination today.

The resignation of McKenna's future judicial honors will therefore rest with the senate and the question of his confirmation is likely to occupy the senate for many weeks. The president is determined to stand by his attorney general to the end of the fight.



JUDGE M'KENNA.

He will insist, it is said, that Mr. McKenna will continue as attorney general until the senate confirms his nomination as associate justice.

Washington, Dec. 16.—The nomination of Attorney General McKenna to succeed Justice Field on the supreme bench will not be acted upon by the senate until after the Christmas holidays. The nomination was referred to the committee on judiciary in today's executive session, but Senator Hoar, chairman of that committee, stated that he would not ask the committee to consider the nomination until after the adjournment of the senate in January. It does not appear that the delay in considering Mr. McKenna's nomination is due to opposition that is reported to exist against his confirmation, so much as in the fact that the committee of judiciary habitually considers nominations to the supreme bench of more importance than that of any other nomination. As the senate will adjourn on Saturday for the holidays, action would be necessary in the two days left, and this, instead of being sufficient for mature deliberation, would be a hasty decision for even the most ordinary nomination.

FEDERAL APPOINTMENTS.

McKenna, Chief Justice; Dawes, Comptroller of Currency.

Washington, Dec. 16.—The president today sent the following nominations to the senate: Joseph McKenna, to be associate justice of the supreme court of the United States; Charles G. Dawes of Illinois, to be comptroller of the currency; John B. Nesbitt of Pennsylvania, to be pension agent at Philadelphia.

Court of Private Land Claims.—Joseph Reed, to be chief justice; William H. May of Tennessee, Thomas S. Fisher of North Carolina, Henry C. Strauss of Kansas and Wilbur F. Stone of Colorado, to be associate justices. Reappointments, their terms expiring Dec. 31, 1898: Lewis Miller, to be judge of the United States for the southern district of Iowa; Robert V. Cozier, attorney for the United States for the district of Idaho; Henry C. Dockery, marshal of the United States for the eastern district of North Carolina.

The president sent the large number of appointments made during the recess of the senate, which have heretofore been announced.

Lavigne and Griffo Will Box.

San Francisco, Dec. 16.—The boxing contest between Lavigne and Griffo will come off next Wednesday night in Oakland, under the auspices of the Occidental Athletic club, which was organized yesterday for the stated purpose of handling fights for which permits could not be obtained in this city. The boxing exhibition will be held in the Exposition building on Twelfth street.

Below Zero at Denver.

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TELEGRAPHIC BRIEFS.

At New York the betting on tonight's fight is 10 to 9 in favor of McCoy.

Nine thousand Chinamen petition congress for legislation to naturalize them. Forty good prices are obtained for California thoroughbreds in New York.

At the interior department of the Canadian government it is said there is no disposition at Dawson at present.

Beverly Ward, Jr., a young society blood of New York, committed suicide because a woman threw him off for another.

The 16th annual meeting of the National Civil Service Reform league began a session of two days in Cincinnati with Hon. Carter Chase presiding.

Champion Pugilist Bob Fitzsimmons received a challenge to fight from Kid McCoy in case McCoy defeats Dan Creedon in his coming battle with them.

A-TEN SHUR

Is called to our dainty little stand tables of

GENUINE MAHOGANY, Finely inlaid with light wood.

TOO-FIFTY-ATE

BUYS ONE at

\$2.58

DINWOODEY'S.

REDUCED THE HOURS

Union Pacific Cuts Down All Its Shops.

BIG REDUCTION IN WAGES

BAD BUSINESS SAID TO BE THE CAUSE.

Bancroft and Eccles Will Be Here Next Thursday—Some Important Information Expected—Wadleigh Returns From Denver—Klondike Folder Issued by the Short Line—Starting Statements Anent Scalping—Other Railroad News.

NEGRO IN THE FIELD OF LABOR

Resolution Reaffirming That All Labor, Without Regard to Color, Is Welcome, Finally Adopted.

Nashville, Tenn., Dec. 16.—When the American Federation of Labor met today the committee on resolutions introduced a resolution urging the Federation of labor to give its earnest encouragement to the proposed legislation in behalf of the United States, the resolution was discussed by several delegates and finally referred to the state branches without recommendation.

Delegate Elders offered a resolution reciting that as the supreme court, in the decision of the Arago case, has held that specific enforcement of contracts to labor are not prohibited by the constitution of the United States, the American Federation of Labor appeals to "all lovers of their kind to watch for, and if possible prevent any legislation by any state legislature or by congress, which shall in any way give force to the principle laid down in this decision."

The resolution also urges upon congress to blot from the present statute the words "without regard to color," to this principle enforceable upon seamen and fishermen."

CONVICT LABOR.

One of the most important reports of the session was that of the special committee on convict labor. It was the sense of the committee "that the employ of convict labor should be primarily for self-support, and at the furthest for the making of goods which should be used in state institutions. The Southwick bill, which is to be introduced, was discussed by Henry Lloyd, of the committee, and it is recommended that it be sanctioned by the federation."

NEGRO QUESTION.

The negro question occupied the major portion of the afternoon session, and a heated discussion was brought on by a resolution introduced by Henry Lloyd, reaffirming the declaration of the federation that all labor, without regard to color, is welcomed to its ranks, and denouncing as untrue in fact the reported statement of Booker T. Washington—that the trades unions were placing obstacles in the way of the material advancement of the negro, and appealing to the records of the federation as complete answers to such false assertions.

This resolution caused much spirited discussion.

Delegate Jones of Augusta, Ga., stated that he believed that the negro could not compete with the negro laborer, though organization would improve conditions materially.

President Gompers took part in the discussion, and stated that the movement was not against the negro laborer, but against the cheap laborer, and that the textile workers of the east had been compelled to contribute to the support of the negro, and that the benefits of organization. He also made the point that the capitalists would like to profit by the failure of negro laborers to organize, thus making the negro an impediment to labor movements.

C. P. Frahey, a Nashville delegate, insisted that the negro was not the equal of the white man socially or intellectually, and that the negro laborer, though organization would improve conditions materially.

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WILL BE HOME THURSDAY.